

THE GERFFERT COMPANY, INC., :
Plaintiff, :
 :
v. : CA 10-101 S
 :
WILLIAM J. HIRTEN COMPANY, LLC, :
JAMES DEAN, and ABC COMPANIES, :
Defendants. :

I recommend that the Motion be denied because this Magistrate Judge has already determined that the Motion for Summary Judgment of William J. Hirten Co., LLC and James Dean and Request for Oral Argument (Dkt. #18) ("Motion for Summary Judgment") should be granted. A report and recommendation to that effect was issued on December 20, 2010. See Report and Recommendation (Dkt. #55). Given that the Court has determined that Defendants William J. Hirten Co., LLC, and James Dean ("Defendants") are entitled to summary judgment, see *id.*,

Plaintiff's Motion for Preliminary Injunction should be denied, and I so recommend.

Conclusion

For the reasons stated above, I recommend that Plaintiff's Motion for Preliminary Injunction be denied. Any objections to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district court and of the right to appeal the district court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ David L. Martin
DAVID L. MARTIN
United States Magistrate Judge
December 23, 2010